



# Senate

General Assembly

January Session, 2009

**File No. 594**

Senate Bill No. 904

*Senate, April 9, 2009*

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

**AN ACT CONCERNING TECHNICAL AND CONFORMING CHANGES  
TO CERTAIN PROPERTY TAX RELIEF AND MUNICIPAL GRANT  
PROGRAMS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 7-536 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (g) Each municipality may apply to the secretary for expense  
5 reimbursement at the time it submits a local capital improvement  
6 project authorization request or any time after such authorization  
7 request has been approved by the secretary. The application for  
8 expense reimbursement shall be submitted on a form prescribed by the  
9 secretary and shall contain identification of the expenses for which  
10 reimbursement is sought and certification from the municipality that:  
11 (1) Expenditures for the project conform to the provisions of  
12 subdivision (4) of subsection (a) of this section and the municipality is  
13 entitled to the reimbursement requested in the application; and (2) the

14 municipality agrees to maintain detailed accounting records of the  
15 project reflecting the expenditures for which reimbursement has been  
16 requested and to make such records available to its independent  
17 auditor and the state. The municipality shall provide any other  
18 certification required by the secretary. Not later than five business  
19 days after [such certification] the date the secretary certifies to the  
20 Comptroller the amount due to the municipality, the Comptroller shall  
21 draw his or her order on the Treasurer, who shall pay the grant to the  
22 municipality.

23 Sec. 2. Section 12-170d of the general statutes is repealed and the  
24 following is substituted in lieu thereof (*Effective from passage*):

25 (a) Beginning with the calendar year 1973 and for each calendar  
26 year thereafter any renter of real property, or of a mobile  
27 manufactured home, as defined in section 12-63a, which he occupies as  
28 his home, who meets the qualifications set forth in this section, shall be  
29 entitled to receive in the following year in the form of direct payment  
30 from the state, a grant in refund of utility and rent bills actually paid  
31 by or for him on such real property or mobile manufactured home to  
32 the extent set forth in section 12-170e. Such grant by the state shall be  
33 made upon receipt by the state of a certificate of grant, [with a copy of  
34 the application therefor attached,] as provided in section 12-170f, as  
35 amended by this act, provided [such] application for such grant shall  
36 be made within one year from the close of the calendar year for which  
37 the grant is requested. If the rental quarters are occupied by more than  
38 one person, it shall be assumed for the purposes of this section and  
39 sections 12-170e and 12-170f, as amended by this act, that each of such  
40 persons pays his proportionate share of the rental and utility expenses  
41 levied thereon and grants shall be calculated on that portion of utility  
42 and rent bills paid that are applicable to the person making application  
43 for grant under said sections. For purposes of this section and said  
44 sections 12-170e and 12-170f a husband and wife shall constitute one  
45 tenant, and a resident of cooperative housing shall be a renter. To  
46 qualify for such payment by the state, the renter shall meet  
47 qualification requirements in accordance with each of the following

48 subdivisions: (1) (A) At the close of the calendar year for which a grant  
49 is claimed be sixty-five years of age or over, or his spouse who is  
50 residing with him shall be sixty-five years of age or over, at the close of  
51 such year, or be fifty years of age or over and the surviving spouse of a  
52 renter who at the time of his death had qualified and was entitled to  
53 tax relief under this chapter, provided such spouse was domiciled with  
54 such renter at the time of his death or (B) at the close of the calendar  
55 year for which a grant is claimed be under age sixty-five and eligible in  
56 accordance with applicable federal regulations, to receive permanent  
57 total disability benefits under Social Security, or if he has not been  
58 engaged in employment covered by Social Security and accordingly  
59 has not qualified for benefits thereunder but has become qualified for  
60 permanent total disability benefits under any federal, state or local  
61 government retirement or disability plan, including the Railroad  
62 Retirement Act and any government-related teacher's retirement plan,  
63 determined by the Secretary of the Office of Policy and Management to  
64 contain requirements in respect to qualification for such permanent  
65 total disability benefits which are comparable to such requirements  
66 under Social Security; (2) shall reside within this state and shall have  
67 resided within this state for at least one year or his spouse who is  
68 domiciled with him shall have resided within this state for at least one  
69 year and shall reside within this state at the time of filing the claim and  
70 shall have resided within this state for the period for which claim is  
71 made; (3) shall have taxable and nontaxable income, the total of which  
72 shall hereinafter be called "qualifying income", during the calendar  
73 year preceding the filing of [his] a claim in an amount of not more than  
74 twenty thousand dollars, jointly with spouse, if married, and not more  
75 than sixteen thousand two hundred dollars if unmarried, provided  
76 such maximum amounts of qualifying income shall be subject to  
77 adjustment in accordance with subdivision (2) of subsection (a) of  
78 section 12-170e, and provided the amount of any Medicaid payments  
79 made on behalf of the renter or the spouse of the renter shall not  
80 constitute income; and (4) shall not have received financial aid or  
81 subsidy from federal, state, county or municipal funds, excluding  
82 Social Security receipts, emergency energy assistance under any state

83 program, emergency energy assistance under any federal program,  
84 emergency energy assistance under any local program, payments  
85 received under the federal Supplemental Security Income Program,  
86 payments derived from previous employment, veterans and veterans  
87 disability benefits and subsidized housing accommodations, during  
88 the calendar year for which a grant is claimed, for payment, directly or  
89 indirectly, of rent, electricity, gas, water and fuel applicable to the  
90 rented residence. Notwithstanding the provisions of subdivision (4) of  
91 this subsection, a renter who receives cash assistance from the  
92 Department of Social Services in the calendar year prior to that in  
93 which such renter files an application for a grant may be entitled to  
94 receive such grant provided the amount of the cash assistance received  
95 shall be deducted from the amount of such grant and the difference  
96 between the amount of the cash assistance and the amount of the grant  
97 is equal to or greater than ten dollars. Funds attributable to such  
98 reductions shall be transferred annually from the appropriation to the  
99 Office of Policy and Management, for tax relief for elderly renters, to  
100 the Department of Social Services, to the appropriate accounts,  
101 following the issuance of such grants. Notwithstanding the provisions  
102 of subsection (b) of section 12-170aa, the owner of a mobile  
103 manufactured home may elect to receive benefits under section  
104 12-170e in lieu of benefits under said section 12-170aa.

105 (b) For purposes of determining qualifying income under subsection  
106 (a) of this section with respect to a married renter who submits an  
107 application for a grant in accordance with sections 12-170d to 12-170g,  
108 inclusive, as amended by this act, the Social Security income of the  
109 spouse of such renter shall not be included in the qualifying income of  
110 such renter, for purposes of determining eligibility for benefits under  
111 said sections, if such spouse is a resident of a health care or nursing  
112 home facility in this state receiving payment related to such spouse  
113 under the Title XIX Medicaid program. An applicant who is legally  
114 separated pursuant to the provisions of section 46b-40, as of the thirty-  
115 first day of December preceding the date on which such person files an  
116 application for a grant in accordance with sections 12-170d to 12-170g,  
117 inclusive, as amended by this act, may apply as an unmarried person

118 and shall be regarded as such for purposes of determining qualifying  
119 income under subsection (a) of this section.

120 Sec. 3. Section 12-170f of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective from passage*):

122 (a) Any renter, believing himself or herself to be entitled to a grant  
123 under section 12-170d, as amended by this act, for any calendar year,  
124 shall make application for such grant to the assessor of the  
125 municipality in which the renter resides or to the duly authorized  
126 agent of such assessor or municipality on or after May fifteenth and  
127 not later than September fifteenth of each year with respect to such  
128 grant for the calendar year preceding each such year, [on a form  
129 prescribed and furnished] in the form and manner prescribed by the  
130 Secretary of the Office of Policy and Management. [to the assessor.] A  
131 renter may make application to the secretary prior to December  
132 fifteenth of the claim year for an extension of the application period.  
133 The secretary may grant such extension in the case of extenuating  
134 circumstance due to illness or incapacitation as evidenced by a  
135 physician's certificate to that extent, or if the secretary determines there  
136 is good cause for doing so. A renter making such application shall  
137 present to such assessor or agent, in substantiation of the renter's  
138 application, a copy of the renter's federal income tax return, and if not  
139 required to file a federal income tax return, such other evidence of  
140 qualifying income, receipts for money received, or cancelled checks, or  
141 copies thereof, and any other evidence the assessor or such agent may  
142 require. When the assessor or agent is satisfied that the applying renter  
143 is entitled to a grant, such assessor or agent shall issue a certificate of  
144 grant, [in triplicate,] in such form as the secretary may prescribe, [and  
145 supply] showing the amount of the grant due. The assessor or agent  
146 shall forward [the original copy and attached application] such  
147 certificate of grant to the secretary not later than the last day of the  
148 month following the month in which the renter has made application.  
149 On or after December 1, 1989, any municipality which neglects to  
150 transmit to the secretary the [claim and supporting applications]  
151 certificate of grant as required by this section shall forfeit two hundred

152 fifty dollars to the state, provided said secretary may waive such  
153 forfeiture in accordance with procedures and standards adopted by  
154 regulation in accordance with chapter 54. A duplicate of such  
155 certificate [with a copy of the application attached] shall be delivered  
156 to the renter and the assessor or agent shall [keep the third] maintain a  
157 copy of such certificate [and a copy of the application] in the form and  
158 manner prescribed by the secretary. After the secretary's review of  
159 each [claim] certificate of grant, pursuant to section 12-120b, as  
160 amended by this act, and verification of the amount of the grant the  
161 secretary shall, not later than September thirtieth of each year prepare  
162 a list of certificates approved for payment, and shall thereafter  
163 supplement such list monthly. Such list and any supplements thereto  
164 shall be approved for payment by the secretary and shall be forwarded  
165 by the secretary to the Comptroller, not later than ninety days after  
166 receipt of such [applications and] certificates of grant from the assessor  
167 or agent, and the Comptroller shall draw an order on the Treasurer,  
168 not later than fifteen days following, in favor of each person on such  
169 list and on supplements to such list in the amount of such person's  
170 [claim] grant and the Treasurer shall pay such amount to such person,  
171 not later than fifteen days following. Any claimant aggrieved by the  
172 results of the secretary's review shall have the rights of appeal as set  
173 forth in section 12-120b, as amended by this act. Applications filed  
174 under this section shall not be open for public inspection. Any person  
175 who, for the purpose of obtaining a grant under section 12-170d, as  
176 amended by this act, wilfully fails to disclose all matters related thereto  
177 or with intent to defraud makes false statement shall be fined not more  
178 than five hundred dollars.

179 (b) Any municipality may provide, upon approval by its legislative  
180 body, that the duties and responsibilities of the assessor, as required  
181 under this section and section 12-170g, shall be transferred to (1) the  
182 officer in such municipality having responsibility for the  
183 administration of social services, or (2) the coordinator or agent for the  
184 elderly in such municipality.

185 Sec. 4. Subdivision (3) of subsection (a) of section 12-120b of the

186 general statutes is repealed and the following is substituted in lieu  
187 thereof (*Effective from passage*):

188 (3) "Program" means (A) property tax exemptions under section 12-  
189 81g or subdivision (55), (59), (60), (70), (72) or (74) of section 12-81, (B)  
190 tax relief pursuant to section [12-129d] 12-129b or 12-170aa, and (C)  
191 rebates under section 12-170d, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-536(g)
Sec. 2	<i>from passage</i>	12-170d
Sec. 3	<i>from passage</i>	12-170f
Sec. 4	<i>from passage</i>	12-120b(a)(3)

**FIN**            *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None



**OLR Bill Analysis****SB 904*****AN ACT CONCERNING TECHNICAL AND CONFORMING  
CHANGES TO CERTAIN PROPERTY TAX RELIEF AND  
MUNICIPAL GRANT PROGRAMS.*****SUMMARY:**

This bill makes minor and technical changes in requirements for Local Capital Improvement Program (LOCIP) payments and application procedures for the Renters' Tax Relief Program. It also corrects an erroneous reference relating to the state-reimbursed property tax freeze program for the elderly and disabled.

EFFECTIVE DATE: Upon passage

**LOCIP**

The bill explicitly requires the Office of Policy and Management (OPM) secretary to certify the amount of a municipality's LOCIP grant to the comptroller to allow the comptroller to draw a payment order on the state treasurer to actually pay the grant. Current law requires the comptroller to draw the payment order within five business days after the municipality certifies to the OPM secretary that its application for the grant meets the law's requirements, but does not contain any mechanism for certifying the grant amount to the comptroller. The bill, instead, requires the comptroller to draw the order within five business days after the OPM secretary certifies the grant amount to the comptroller.

**RENTERS' TAX RELIEF PROGRAM APPLICATIONS**

The state elderly and renters' tax relief program reimburses rent and utility costs for low-income recipients. The bill makes minor and technical changes in the program's application paperwork. It eliminates a requirement that the OPM secretary furnish application

forms to local assessors and instead requires that the secretary simply specify the form and manner to apply. It eliminates the requirement that the certificate of grant the assessor must issue to approved recipients be (1) in triplicate, (1) supplied by OPM, and (3) forwarded to OPM for payment with the grant application and supporting documents attached.

**COMMITTEE ACTION**

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 53 Nay 0 (03/24/2009)